

WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, December 1, 2005.

MEMBERS PRESENT:

Legislator John Kennedy • Vice•Chairman
Legislator Daniel Losquadro
Legislator Ricardo Montano
Legislator Elie Mystal

MEMBER NOT PRESENT:

Peter O'Leary • Chairman • Excused Absence

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Director, Budget Review Office
Charles Gardner • Director of Consumer Affairs
Sandy Sullivan • Clerk's Office

Ben Zwirn • County Executive's Office
Bill Faulk • Aide to Presiding Officer
Warren Greene • Aide to Legislator Alden
Ed Hogan • Aide to Legislator Nowick
Frank Tassone • Aide to Majority Leader O'Leary
Pat Zielenski • Real Estate Division
Jacqueline Caputi • County Attorney
Maria Ammirati • Aide to Chairman O'Leary

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:50 A.M. *)

VICE • CHAIRMAN KENNEDY:

We're going to start the meeting. All right. We'll begin with the Pledge of Allegiance, led by Legislator Losquadro.

(SALUTATION)

VICE • CHAIRMAN KENNEDY:

Thank you very much. Good morning, everybody. The Chair has an excused absence today, so I'll be hosting our event this morning. We have no correspondence before the committee this morning. We do have a public hearing and we have a fairly lengthy agenda. Let's begin with the public hearing. Madam Clerk, have we had the appropriate publication affidavits?

MS. SULLIVAN:

Affidavits of publication are in proper order and duly filed.

VICE•CHAIRMAN KENNEDY:

Thank you, Madam Clerk. Okay. That being said, I will open a public hearing on **Introductory Resolution 2191 of '05. This is adopting a Local Law to streamline County government by repealing certain boards and commissions.** Do I have any speakers here today? Anybody who would like to speak on the resolution? Okay.

LEG. LOSQUADRO:

Motion to close.

VICE•CHAIRMAN KENNEDY:

Motion to close. I'll second the motion to close. All those in favor? Opposed? Okay, public hearing is **closed**.

That being said, I'll go to the public portion. I have a couple of cards. The first speaker that I have is a Nancy Nunziata. Nancy Nunziata. Good morning, ma'am. How are you? If you would just state your name for the record, please, and you have three minutes to go ahead and make your comments.

MS. NUNZIATA:

My name is Nancy Nunziata. I'd like to say good morning to everyone. I'm the Executive Director of Help Suffolk, and I come here this morning to speak on behalf of the Help Suffolk facility.

Just by way of information, Help Suffolk is a 76 unit Tier II transitional housing facility for homeless families that's located in North Bellport. On a daily basis, we house approximately 300 people, 100 of those are adults and about 200 of them are children. We have 24 hour security, we're handicapped accessible, and we are governed by the New York State Office of Temporary and Disability Assistance Part 900 Regulations, which governs our standards of operation. Our goal at Help Suffolk is to work with each resident family to develop a plan that helps them to move into permanent housing, obtain gainful employment, and to help them regain their lives.

What I've come to talk a little bit about today is our record of

accomplishment. We've been in existence for the last 15 years, and I'd like to highlight some of the things that have happened over those 15 years. We served over 3000 families thus far. Approximately one-third of those families come from the Town of Brookhaven. And we place an average of 200 families a year into permanent housing. In 1994, recognizing the need for affordable housing in Suffolk County, we developed what's called our Help Equity Homes Program, and we have 14 homes that provide permanent housing to families in Suffolk County. Also, in 1995, we worked on a joint project with federation employment and guidance service and developed an employment readiness program. And to date, since '95, we have placed over 500 people into gainful employment.

One of the reasons why I am here this morning is to talk about why it is that I believe we need to remain in existence. It appears that clearly there is a housing and homeless problem that continues in Suffolk County, and that while the original plan that was developed had called for the reduction or the eradication of homelessness in the County in 15 years, it's clear that the intentions were ambitious, but the reality has been sobering. The problem has not gone away, and, in fact, the numbers, while they may not be as high as they were 15 years ago, they're certainly substantial.

Help Suffolk has been •• is a model, which is a national model that Help USA developed in several other municipalities including Westchester, New York City and Albany. In each of those localities, the original plan was the same, and at the end of those contract terms, the reality had been the same in those counties. We are the last of the projects that have come to the end of our term, and that's what we're hoping is that we can continue to remain in operation while the need is still present.

VICE-CHAIRMAN KENNEDY:

Ma'am, you're at your three minutes, if you can sum up, please.

MS. NUNZIATA:

Sure, a very quick summary. I'd like to thank each of you for hearing me out. We remain committed to serving the families that are in need, and we look forward to continuing a dialogue with the town, the County, and the Bellport community to continue our facility. So thank you all very much.

VICE•CHAIRMAN KENNEDY:

The next speaker is Ernest Joyner.

MR. JOYNER:

Good morning to the Legislative board. My name is Ernest Joyner, and I'm a resident at Help Suffolk, 685 Brookhaven Avenue. I live at Help Suffolk with my fiancé and five children. I'm a former homeowner on Long Island. I lost my home due to unemployment, we fell behind on mortgage payments and we lost our home. I'm a certified micro assembler and have worked for various corporations on Long Island, and I'm temporarily out of work.

I thank God for Help Suffolk because my family and myself would be like the victims of Hurricane Katrina if it weren't for Help Suffolk. If other states all over this country are opening up their doors to the victims of Katrina, how could we lose •• how could we close our doors to people who live in our neighboring towns of Suffolk County, which is mostly single mothers and children who have fallen upon hard times? How could the people who live so close to the water, not see the water coming?

With the help of FECS Program who work with Help Suffolk, it makes this a very good place to start over. I've currently posted resumes on CareerBuilder.com and I'm trying to get back on my feet. I replied to my job offers and have perspective job opportunities. Not only is housing very appropriate at Help Suffolk, they also have a nursing staff availability to update information about housing and employment opportunities. They also have a variety of services for children, including homework help and recreational programs. We found a house in Mastic and are waiting final paperwork to proceed and the County inspection to go through.

The people in Suffolk County need a safe haven to go where they can start their lives over. Please continue to support and keep Help Suffolk open, because tragedy and homelessness knows no gender. Thank you very much for hearing me.

VICE•CHAIRMAN KENNEDY:

Thank you. Our next speaker is Joan Noguera.

MS. NOGUERA:

Good morning. My name is Joan Noguera, and I'm the Executive Director of the Nassau•Suffolk Coalition for the Homeless. I would like to thank you for the opportunity to speak this morning. I'm speaking in favor of Resolution 2263, which would be to continue with the Tier II facility. This program and this project is very unique to Suffolk County, actually, it is the only Tier II facility. Tier II facilities provide not only housing, but also the services that you just heard about. And one of the things that we have found, it's very important about homelessness, is that it's not just a •• to provide just a place to live is not enough, it doesn't resolve the issue in a long•term way.

What Help Suffolk does is provide not only a place to stay, but the very important services that are required for families and individuals who have become homeless to move into a stable environment and stay housed. This County continues to have homeless families living in motels, there are currently 23 families in motels. I think probably nine months or a year ago we would have said that we were not using motels, but we are again. And that should tell us that the problem continues, that there are •• that the families in motels will receive not anywhere near the kinds of services and the kinds of support that the families need.

The gentleman who was speaking to you talked about homework help and some of the other things that probably all of us take for granted that our children have everyday. I can assure you that the children who are in motels and are not in facilities that are staffed appropriately are not getting the kind of services and support that the staff of this project is able to give. One of the things I would say is I wish we could have more Tier II facilities on Long Island. It's the only one of its type and, really, without these kinds of facilities, we're really not •• we're really not solving the problem. Putting families in motel doesn't really solve the problem. It's a costly thing to do and more importantly, it's extremely costly to the safety and security of the families.

One of the important things that I don't know if was mentioned this morning is Help Suffolk is an organization, it's been a member of the coalition for many years, and we are a membership organization. The important thing is,

I think, though, is that they also work with other organizations so that there's pooling of services, which is extremely cost effective, that they're using the services of other organizations to also help people, and that's employment and case management and health services, so that everyone is working together, and we're all on the same path. And ultimately, that path is to solve the problem of homelessness on Long Island. Both counties do have huge issues with homeless people.

VICE•CHAIRMAN KENNEDY:

Ma'am, that's your three minutes. If you can sum up, please.

MS. NOGUERA:

In summary, I would just ask that this resolution be passed, that this is a unique project, and that really it is the way that we will ultimately solve the long-term problem of chronic homelessness in this County. Thank you.

VICE•CHAIRMAN KENNEDY:

Thank you for your comments.

LEG. LOSQUADRO:

Thank you.

VICE•CHAIRMAN KENNEDY:

Last speaker is Anthony Graves.

MR. GRAVES:

Good morning, sir. My name is Anthony Graves. Good morning. Thank you to the committee for this opportunity to speak. I'm here to talk about the bill to transfer the 86 acre Robinsons Duck Farm to the Wertheim National Wildlife Refuge. Friends of Wertheim is supportive of the bill, but we also understand there are legal issues that need to be addressed prior to the transfer. And I wanted to state that we look forward to working with the committee to addressing all of those issues prior to any transfer. Thank you.

VICE•CHAIRMAN KENNEDY:

Thank you, Mr. Graves. That is it for the cards. Do I have anybody else

who wishes to speak during public portion? Nobody being inclined, I'll make a motion to go ahead and close public portion.

LEG. LOSQUADRO:

Second.

VICE•CHAIRMAN KENNEDY:

Okay. Public portion is closed. We'll move right onto the agenda then. First, the tabled resolutions.

TABLED RESOLUTIONS

1777, adopting Local Law, a Charter Law to prohibit campaign contributions from contractors doing business with the County of Suffolk (CARACCIOLO).

LEG. MYSTAL:

Table.

LEG. KENNEDY:

Motion to table.

LEG. LOSQUADRO:

Second.

VICE•CHAIRMAN KENNEDY:

Second. All those in favor? Opposed. 1777 is **tabled**. (VOTE:4•0•0•1 •
Not present: Legis. O'Leary)

1783, adopting salary plans for employees who are excluded from Bargaining Units (COUNTY EXEC).

LEG. LOSQUADRO:

Motion to table.

VICE•CHAIRMAN KENNEDY:

Motion to table, seconded by myself. All those in favor? Opposed? **Tabled**

(VOTE:4•0•0•1 • Not present: Legis. O'Leary).

1817, establishing an Application Fee Waiver Policy for Civil Service examinations (BISHOP).

Do I have a motion?

LEG. MYSTAL:

Table.

VICE•CHAIRMAN KENNEDY:

Motion to table, seconded by myself. All those in favor? Opposed? 1817 is **tabled. (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**

1820, adopting Local Law, a Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute (CARACCILO).

LEG. MYSTAL:

Same motion.

VICE•CHAIRMAN KENNEDY:

Motion to table, seconded by myself. All those in favor? Opposed? 1820 is **tabled. (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**

1867, establishing a policy and procedure for the naming of County facilities (COOPER).

LEG. MYSTAL:

Same motion.

VICE•CHAIRMAN KENNEDY:

Motion to table, seconded by myself. All those in favor? Opposed? Motion is **tabled. (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**

1959, adopting Local Law, a Local Law to require that certain employees use only County vehicles while conducting County

business (LOSQUADRO).

LEG. LOSQUADRO:

Maybe I'll make Ben sweat. No. Motion to table.

VICE•CHAIRMAN KENNEDY:

Motion to table, seconded by myself. All those in favor? Opposed? 1959 is **tabled. (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**

1976, adopting Local Law, a Charter Law to transfer print shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works (COUNTY EXEC).

LEG. LOSQUADRO:

Motion to table.

VICE•CHAIRMAN KENNEDY:

Motion to table, seconded by myself. All those in favor? Opposed? 1976 is **tabled. (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**

2031, directing the County Attorney to bring a lawsuit against United States Immigration and Customs Enforcement (CARACAPPA).

LEG. LOSQUADRO:

Table on the motion?

VICE•CHAIRMAN KENNEDY:

Motion to table.

LEG. MONTANO:

Hold on a second.

LEG. MONTANO:

Go ahead, table it.

VICE•CHAIRMAN KENNEDY:

All right. Motion to table.

LEG. LOSQUADRO:

It takes precedence.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Mystal. All those in favor? Opposed? IR 2031 is **tabled. (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

2034, amending Resolution No. 861•2004, to modify the Town of Riverhead's intended use of property (CARACCIOLO).

LEG. MYSTAL:

Table.

VICE•CHAIRMAN KENNEDY:

Okay. Motion to table, seconded by myself. All those in favor? Opposed? 2034 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**

2038, amending the Suffolk County Classification and Salary Plan in connection with the 2006 Operating Budget (COUNTY EXEC).

LEG. MYSTAL:

Somebody want to talk about it?

VICE•CHAIRMAN KENNEDY:

Motion to table by ••

LEG. MYSTAL:

On the motion. On the motion, through the Chair.

MS. KNAPP:

This is the County Executive's resolution for positions in the 2006 budget; there's a contract management analyst, which is a grade 23, competitive, there's a director of environmental affairs, a non competitive grade thirty •nine, and a Commissioner of Information Technology, a non competitive grade 38, and a Parks Foundation Director, which is a competitive grade 30.

LEG. LOSQUADRO:

Motion to table.

VICE•CHAIRMAN KENNEDY:

Motion to table, seconded by myself.

LEG. MONTANO:

Are they going to talk on this?

MR. ZWIRN:

Well, it's going to be tabled.

LEG. MONTANO:

Table it.

VICE•CHAIRMAN KENNEDY:

All those in favor? Opposed? IR 2034 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**.

2066, designating individual agents as official volunteers for Suffolk County Society for the Prevention of Cruelty to Animals (COUNTY EXEC).

LEG. LOSQUADRO:

Did we get any further information on this?

MS. KNAPP:

As long as it has been amended ••

MR. ZWIRN:

We amended this, because it took out the addresses of the individuals.

VICE•CHAIRMAN KENNEDY:

Motion to approve, seconded by Legislator Losquadro. All those in favor? Opposed? IR 2066 is **approved (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**.

2089, directing the Suffolk County Attorney to sell, devise, transfer, alienate or otherwise extinguish a possibility of reverter in favor of the Village of Greenport (CARACCIOLO).

Do we know anything about this at this point?

MR. ZWIRN:

I would ask it be tabled at this point. There's some confusion as ••

LEG. LOSQUADRO:

Is this the outflow pipe?

MR. ZWIRN:

No. This is a piece of property that the Village of Greenport would like back apparently to sell it.

VICE•CHAIRMAN KENNEDY:

Wouldn't we all. Motion to table by Legislator Montano, seconded by myself. All those in favor? IR 2089 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

2092, extending financial support to County workers whose volunteer efforts are necessary to aid in disaster relief (MONTANO).

LEG. MONTANO:

Motion to approve.

VICE•CHAIRMAN KENNEDY:

Motion to approve by Legislator Montano. Can •• I recall we had dialogue on this two weeks ago. There were some issues, I guess, that got raised. I'm just curious as to where some of the dialogue had gone.

LEG. MONTANO:

Let me ask you •• can you hear me? Just let me ask Counsel to give a brief synopsis of what we discussed last time with respect to the bill, then we can •• you know, if you want to pick up debate, we'll do it there.

MS. KNAPP:

What this bill •• I suppose I'll start by saying it was modeled after two previous bills that basically benefitted County employees who were called up for National Guard Service. The difference in this one, the bill is modeled after those to the extent that what it does is extend County benefits to people who do several things. First, they have to volunteer to go to a disaster site. Once they volunteer to go to the disaster site, there's a three person committee that consists of the Commissioner of Health, the Commissioner of Police, and the Commissioner of Fire Rescue, who review that person's volunteer request, and by review, is the person qualified to do what it is he intends to volunteer for. That three person committee makes a recommendation to the County Executive who can exercise his power under this resolution to allow the person to go to the site, be paid for 30 days, and to have his benefits extended during the time that he is at the disaster site up to 30 days.

LEG. MONTANO:

The last time there was a discussion, because there's a section in the bill that basically provided •• Counsel, correct me if I'm wrong •• but that basically provided that if we needed to just make some technical amendments to the Collective Bargaining Agreement, that, you know, we would be allowed to do so, but that's not the issue. This bill, myself and the Presiding Officer introduced this bill as a result of the catastrophe in New Orleans. And simply what it's intended to do is aside from those employees that are sent on a disaster mission by the County, if there are certain employees in the County who have technical skills necessary to aid in a disaster effort, anywhere across the country, they would request this committee to evaluate their basic qualifications and then the County Executive would have discretion as to whether or not to deploy that person or those persons to an area for •• is it a 30 day period?

MS. KNAPP:

Yes.

LEG. MONTANO:

For a 30 day period. That's what we're saying. So this allows •• because

there were several people in the County who were County employees who had requested an opportunity to volunteer and did not appear to be any mechanism for them to do so without losing their benefits and etcetera. So this simply provides a mechanism. It doesn't mandate anything. It gives the County Executive discretion, am I correct in that?

MS. KNAPP:

Yes. It was prompted, I believe, by a probation officer who called the Presiding Officer's Office, it was his constituent, who's expertise is in underwater rescue, and he apparently volunteers as an underwater rescue person, and he was willing to go, but he didn't want to go if his family was going to be left without any salary and benefits.

LEG. MONTANO:

And this doesn't provide that any employee can just get up and say, I want to volunteer, I want to go pass out some food, and, you know, about deployed. This gives the technical people, the Commissioners, the power to decide whether or not we're talking about real experience here, a real need, and then gives the County Executive, who's the Chief Executive Officer, the ability to say, okay, you can do this, we will extend the benefits. That's simply what the bill does.

VICE-CHAIRMAN KENNEDY:

Thank you Legislator Montano. Legislator Mystal.

LEG. MYSTAL:

All I wanted to know is what is the extent of the benefit, and I think Counsel just answered that, it's salary and benefit. In other words, they'll be on the County payroll for 30 days.

MS. KNAPP:

To that extent, the benefit resolved clauses are modeled exactly after the ones in the previous two resolutions. And it •• obviously, if they're union employees, it has to be a subject of collective bargaining, and again, that language is tracked from the previous two resolutions.

VICE•CHAIRMAN KENNEDY:

Counsel, I have a question, and I guess it goes to the example that you just put forward. As an employer, we have an obligation to go ahead and make County employees whole in the event that they're injured or something occurs in the course of their natural workday and their events. My understanding with Workers Comp Law and some of the other statutes is that our obligation goes to what they are actually hired and employed by us to do. So, if a corrections officer is injured in the course of performing his duties as a correction officer, obviously we have to go ahead and pay Workers Comp under disability benefits. If through his own personal volition he has gained expertise in other areas, to what extent does our obligation continue towards that other activity, and is he still considered performing within the context of his employment with the County? Does anybody have any understanding or read on it?

LEG. MONTANO:

If I •• you want to answer?

MS. KNAPP:

I have not looked for a specific case, but my opinion would be that if the County allowed him and directed him to go ahead, he would be covered.

LEG. MONTANO:

Mr. Chair, someone from the County Exec's Office, Mr. Tempera, spoke on the issue last time. Maybe we can ask for some of his comments, because I thought we had resolved those at the last meeting, but maybe there are issues that are going to resurface. Jeff, do you have anything to add to this?

MR. TEMPERA:

Well, a couple of things. And I think the focus this time was a little bit different from what we spoke last time. Last time it was my understanding the intent of the bill dealt with the County actually sending people and directing people to go and it didn't apply •• and that's why I think we got a little confused, it didn't apply really to volunteers. If somebody volunteered, that was not the discussion I thought last time.

LEG. MONTANO:

Well, what we were discussing, if I recall correctly, was that there are certain County employees that are directed to a disaster effort, and that's done by the County Executive, and there's already a mechanism in place for that. This is for, you know, if we send five fire officials and five police officers immediately, that's at the deployment of the County. This provides a mechanism for other volunteers to step forward, but, again, it goes back to the discretion of the Chief Executive Officer of the County. And what this says is for those employees that were not directed to go, it provides a mechanism to request leave to go and then to be in a position where if you are granted an opt to serve in that capacity, you at least get the same benefits as those persons that are deployed to go. That's the only difference. It's just to pick up additional employees, but not just anyone who wants to go, people with certain specified skills, and those skills would be •• you know, the need for those skills in a disaster area would be determined by the Commissioners of Health Services, Police, Fire Rescue and Emergency Services, and I'm sure that would be in conjunction with the requesting or the area in need.

MR. TEMPERA:

On the specific question on the Workers Comp, let's deal with one thing at a time, and I think the request really should go back through the County Attorney's Office working with the Workers Comp people. I don't think there's a simple answer. I believe there's possibly two answers. If someone volunteers and goes and the duties they are performing are either very similar or part and parcel of the duties they perform for the County and they're directed to go as a volunteer, and even the Chief Executive just allowing them to go, there maybe a Workers Comp liability that would fall back on the County. If someone totally outside of their duties in the County and •• these are a lot of the situations you get, you may get volunteer firefighters ••

LEG. MONTANO:

Right.

MR. TEMPERA:

•• who have certain expertise and they work in various departments

throughout the County, and they possess capabilities and can perform functions totally unrelated to their County job and they volunteer and go down, I don't know if the Workers Comp falls on us or falls on the municipality for which they are volunteering to, because if you volunteer even for the County, I believe there is a Workers Comp liability that accrues here. I'm not the expert on this, that's something, I think, that should be researched, whether it's through the County Attorney's Office or in conjunction with Workers Comp, but that's just the one issue on the Workers Comp, which I think is the real issue that should be looked at and discussed, because if we're excepting a liability and you're really putting people in somewhat dangerous situations, because that's really why you're sending them down there, you've had a disaster, they're getting involved to help out and there's a host of issues whether it's dealing with disease issues or dealing with reconstruction projects that I think the Workers Comp piece needs to be looked at.

VICE•CHAIRMAN KENNEDY:

Can I interject for just one second?

LEG. MONTANO:

Sure.

VICE•CHAIRMAN KENNEDY:

I would ask you in this discourse and dialogue to go ahead and take the iteration one step further. As you well know, all of us as municipal employees have eligibility for various disability pension rights based on our tiers, again, predicated on the fact that something occurs either generally within just a natural course of events that disables us or particularly with tier ones and tier twos, a three•quarter disability pension is predicated on injury within the context in the line of duty. So if we have someone who's an analyst in insurance and risk management but also happens to be an AEMT the with their fire department or ambulance district and the need is there for AEMTs and the Exec agrees that, yes, in fact, they can travel and work as an AEMT, what happens to them individually? To what extent are they covered or not?

MR. TEMPERA:

Again, I think that's something I would defer to Counsel on. But if your injured in the •• not even injured in the course •• you're dealing with two separate things. 207 C, which applies to police officers is the same as Workers Comp for the non law enforcement areas. What you're dealing with is a disability pension, and that really just comes down to the point that someone can't perform their job any longer, whether it's an on the job or off the job disability. And someone's eligible for a disability pension if they •• if they can no longer perform the function of their job as determined by the State Retirement System.

VICE•CHAIRMAN KENNEDY:

Right, but I would disagree with you as to the outcome of the nature of the disability. You and I know very well, as a matter of fact, that the events that compel that disability to occur have great significance as to the benefit, whether it's a one•third or a three•quarters.

MR. TEMPERA:

I don't disagree with that. Your dealing with an on the job and a 207 C piece versus the off the job. I'm just saying, they're eligible for a disability pension there. But there's a host of other issues that come into •• come into play here, and again, you modeled this after the resolutions we had in the past, and those resolutions were predicated the fact that Section 242 of the Military Law requires, and it's not somebody volunteering, it's somebody who's ordered to military duty, and they were restricted under the 22 work days or 30 calender days where they would be paid and the County, in •• you know, I think, a very generous act in recognizing the service of all these individuals, extended those benefits. So you're dealing with a volunteer versus someone's who's ordered. You're also dealing with the benefits continuing, and we would have to sit down and negotiate that ••

LEG. MONTANO:

Jeff, obviously those kind of contingencies would not be included in the bill. That's something that would be worked out with the, you know, the Executive Branch of Government. You have got the three Commissioners who are making the determination as to whether or not the person who's looking to serve meets a certain minimal criteria for need. As I said, we're not just sending anybody who just want to go, you know, and hand out

food. But these are things that really are administrative in nature, and the County Executive ultimately has discretion as to whether or not to send an employee. And I would think that the benefits that accrue would be something that would be handled by the •• you know, by the County Attorney's Office and the Executive Branch. So we're not going to write that into the legislation.

The intent here is to provide the mechanism so that we could have, you know, employees that meet a particular specified need be available for, you know, deployment in the event of an emergency, as has happened in New Orleans, you know, in a much more rapid manner than what happened last time, because basically •• the question we asked last time, did we deploy any people to New Orleans during the •• as a result of the hurricane?

MR. TEMPERA:

I'm not aware that anybody was ultimately deployed.

LEG. MONTANO:

Neither am I.

MR. TEMPERA:

But I do know there were conversations between various departments; law enforcement areas, DPW, Emergency Services. They did get together, they did look at the idea of whether or not anybody be sent. I wasn't involved in those discussions, but I know part of the discussions and rationale that was looked at is there was such a flood of volunteers that were going in there and uncoordinated ••

LEG. MONTANO:

Exactly.

MR. TEMPERA:

Not only between the different groups, but within the areas that were affected that people were showing up, and they didn't know what they were going to do with them and where they should go to. And that's the coordination, I think, that needs to take place at the •• not anything to do with the County, but with the affected area. I will disagree with you on one

point, not that you'll have it in the bill, but the benefits that accrue is exactly what's mentioned in the bill, would have to be negotiated to extend them with the union. That's ••

LEG. MONTANO:

Right. But this bill provides a mechanism so we can do that, does it not?

MR. TEMPERA:

It does. It absolutely grants the authority to the County Executive's Office through myself to negotiate those changes.

LEG. MONTANO:

Right. And just in reference to the point that you made about there were scores of volunteers that came forward, but the reality was there was really no ready mechanism to say, yes, we should take you because you provide X skills and your skills are what's needed as, you know, came up in the example of the person that called the Presiding Officer. That's why this bill is sponsored by myself and the Presiding Officer, because we both had requests from people saying we would like to do something. And when we •
• you know, when we discussed it, we came up with a concept that empowers the County Executive to do something like that, but it also gives now the ability for someone to say, you need help, this is what we have available in the kind of personnel that work in the County, and we can deploy them. If you need them, make the request, our County Executive will consider them, and then it allows the person to go there free from the worry, oh, what do I do about the salary, you know, the mortgage payment I've got to make. And it's only for a 30 day period. I'm sure it can be extended, but we're not talking about an indefinite, we're talking about an immediate response type team.

So, you know, for that, I'm going to ask my colleagues, let's move it out of committee if we can. You know, we can debate it further. If there are any technical points that come up, you know, I'll be glad to confer with you on them. I don't •• you know, there will be some technical issues that always come up, but I don't think that should prevent us from moving forward on it.

MR. TEMPERA:

Again, if I might, just a last point. There may be some legal issues under the Fair Labor Standards Act. I don't know the mere fact that the County Executive is and through this committee of people, approving someone to go and they're volunteering, whether that gets the County off the hook for their continued pay. So if someone ••

LEG. MONTANO:

You mean during the 30 day period?

MR. TEMPERA:

Yeah. So you've got a 30 day period built in there that by law if they're working for the County, because even though they volunteered, the law •• Fair Labor Standards Act may require them to continue to be paid if they're doing duties similar to what they're doing. So I think there's a Fair Labor Standards Act question that certainly comes into play when you're reviewing it from that end.

The other end would be, and again, I defer to what your intent of your bill is, that if there is a disaster that affects a widespread area and also affects Suffolk County, clearly the County Exec and the department heads would have to have the ability to say, no, we need you here first.

LEG. MONTANO:

Absolutely. Absolutely. The bill does not mandate, it's strictly discretionary. We're not •• there's no intent to rack up a team of, you know, 500 people and send them out without the County Executive who's in charge of the, you know, the administrative branch saying, no, you may not go because we need you here. I mean, that's clear.

MR. TEMPERA:

Okay. And on a final point, don't be misled. There is a mechanism now for someone to volunteer and go. And if they have accruals and they want to use accruals, they can go. They can ask for a leave of absence and they would go there. Health insurance doesn't automatically cut out day one when someone would go off the payroll. If they're using their accruals and they go down there and they have two weeks, four weeks of accruals, their health insurance benefits would be affected. If they went on leave of

absence, I believe under the health insurance provisions, you have to be off the payroll for, I believe, it's two pay periods for your health insurance benefits to end. So there are provisions now for people to request a leave of absence or to use accruals if they feel that they can go and the department can allow them to go.

LEG. MONTANO:

Right, and I understand that and I agree with that. But this just in my mind makes the distinction between the employee that would like to go, because they have the sense to serve, and the employee that would like to go but really is someone that is very necessary to the effort in a specialized way. And there's a difference between the two in terms of, you know, we don't •• we may not want to let an employee who's going to provide marginal services to the relief effort go because we need them here at home. But if we have an employee whose specialty is of such a nature that we really would be selfish to say, hey, we're not going to let you go for 30 days, we want to allow that employee to go. And that's what the intent of this bill is.

MR. TEMPERA:

And I think you probably have that already though, and that's where I would only disagree with you, because I think if the department wants to deploy someone now, I think they have that ability to deploy someone and say, you know what, representing Suffolk County, you volunteered or as part of your duties we understand you possess these abilities, we're directing you as part of your County duties to go there. And that's, I think, the discussion we had last time.

LEG. MONTANO:

I won't split hairs with you on that as to, you know, whether or not it's in place now. You know, the bill, I think, speaks for itself in terms of what the intent is. It's discretionary. So, you know, if there are any technical issues that come up, alert me, because we can always table this before we pass it • • you know, if we're going to pass it at the General Meeting. I would be willing to do that if, in fact, there are some legitimate issues that come up.

VICE-CHAIRMAN KENNEDY:

Okay. To the sponsor, we do have a long agenda.

LEG. MONTANO:

Yes, I'm done.

VICE•CHAIRMAN KENNEDY:

We have a motion to approve. I will just ask that some of the dialogue that we've had here be clarified, I guess, if, in fact, this committee does come about and employees would be put out there that all those questions as to employees being made whole and protected as they're out there be addressed definitively before there would ever be any kind of deployment. So we have a motion to approve, do we have a second?

LEG. MYSTAL:

I'll second that.

VICE•CHAIRMAN KENNEDY:

Okay. Seconded by Legislator Mystal. All those in favor? Opposed? 2092 is **approved (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**.

All right. Moving onto the regular agenda. Before we have the Division of Real Estate folks come up, we have a couple of basic ones in the beginning.

IR 2149, authorizing certain technical corrections to Resolution No. 928•2005 (COUNTY EXEC).

Counsel, what are the corrections?

MS. KNAPP:

The Capital Project number changed from .310 to .311.

LEG. LOSQUADRO:

Motion.

VICE•CHAIRMAN KENNEDY:

Motion to approve by Legislator Losquadro, seconded by myself. All those in favor? Opposed? 2149 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2152, authorizing approving payment to General Code Publishers for Administrative Code pages (PRESIDING OFFICER).

LEG. LOSQUADRO:

Motion.

VICE•CHAIRMAN KENNEDY:

Motion by Legislator Losquadro, seconded by myself. All those in favor? Opposed? 2152 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).**

2153, authorizing transfer of 12 surplus County computers to the Wyandanch Senior Nutritional Center (MYSTAL).

LEG. MYSTAL:

Motion.

VICE•CHAIRMAN KENNEDY:

Legislator Mystal, motion to approve.

LEG. MONTANO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Montano. All those opposed? In favor? 2153 is **approved (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

VICE•CHAIRMAN KENNEDY:

Actually, at this point, I'm going to ask that the Division of Real Estate please come up, because it looks like •• okay.

2158, authorizing the reconveyance of County owned real estate pursuant to Section 215, New York State County Law to Terry J. Karl, Esq., Trustee of the Vincenza Barbero Trust (TONNA).

I'm advised that the sponsor's requested that the resolution be tabled. I'll make a motion to table.

LEG. LOSQUADRO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Losquadro. All those in favor? Opposed? 2158 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

MS. KNAPP:

May I add, it's being tabled because there's some backup that's required from the Real Estate Division that wasn't attached to this one in error, so we're waiting for the title report and a DSS search.

MS. BIZZARRO:

If I could just make a comment on this resolution as well?

VICE•CHAIRMAN KENNEDY:

Certainly.

MS. BIZZARRO:

Mr. Chairman, thank you. I just want to recommend to the committee that before the resolution is approved, after the information regarding the title report and DSS is obtained, that a letter either from the guardian or the attorney representing the guardian setting forth why the taxes were not paid for the years 2000, 2001, 2003, and 2004, notwithstanding the fact that the guardian had been appointed since at least 2001, that's the concern here, and I just think a letter would be a good idea.

VICE•CHAIRMAN KENNEDY:

Counsel, is that a request that you might be able to go ahead and convey to the sponsor of the reso?

MS. KNAPP:

Certainly, I can convey it to the sponsor. The statute that governs the 215s

does not require such a letter. And the •• this is one that, I think, meets the standards, but I will convey the request for a letter to Legislator Tonna.

VICE•CHAIRMAN KENNEDY:

Do we know that this guardian was the same guardian was appointed in 2001?

MS. KNAPP:

It was not. There was a problem, and the court appointed a successor guardian.

MS. BIZZARRO:

In 2001, right. There was a guardian that was prior to 2001. In 2001 Terry Karl was appointed. So the question is why weren't the taxes paid notwithstanding that a guardian was appointed? I just think a letter would be, you know, hopefully sufficient, because the word applicant under the County Code is the prior owner of record. So, yes, I agree that the individual that was ultimately declared incompetent certainly shows the medical problems. However, once the guardian is appointed, the guardian steps into the shoes of that individual and, therefore, becomes the applicant. So just for purposes of coverage, I think it would be a good idea. It's just a recommendation.

VICE•CHAIRMAN KENNEDY:

Thank you, Ms. Bizzarro. We'll take the request from the County Attorney's Office. Moving on. Let's go to **IR 2161, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Evadney Barrow (COUNTY EXEC).**

Do we have any comment from Division of Real Estate on this?

MS. ZIELENSKI:

2161 is an as•of•right redemption, as are all of the numbers through 2169, if that's helpful.

VICE•CHAIRMAN KENNEDY:

These are all as•of•right?

MS. ZIELENSKI:

Yes.

VICE•CHAIRMAN KENNEDY:

Okay. So then I will, •• I think we need to articulate each reso, although I'd like to do them in bulk.

LEG. LOSQUADRO:

Let's same motion, same second.

VICE•CHAIRMAN KENNEDY:

Sure.

2161, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Evadney Barrow (COUNTY EXEC).

LEG. MONTANO:

Motion.

VICE•CHAIRMAN KENNEDY:

Motion by Legislator Montano.

LEG. LOSQUADRO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Losquadro. All those in favor? Opposed? IR 2161 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).**

LEG. LOSQUADRO:

Just one second, through the Chair. Counsel, can these be placed on the Consent Calender or no?

MS. KNAPP:

2161 through 2169, absolutely. And could we go back at some point in time, whenever the Chairman would like, 2149 and 2152 could also go on the Consent calender.

LEG. LOSQUADRO:

Very good. Well, at the moment, I'll make a motion to take 2149, 2152 and 2161 and place them on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Second that motion. All those in favor? Opposed? Approved. So we have 2149, 2152 and 2161•05 **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2162, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Karoutsos (COUNTY EXEC).

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Seconded by myself. All those in favor? Opposed? IR 2162 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**

2163, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Joseph Puca, Jr. and Louis Puca as co•trustees of the Joseph Puca testamentary trust and their successors in interest (COUNTY EXEC).

Same motion, same second, same vote. IR 2163 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2164, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Puca Realty Limited Partnership (COUNTY EXEC).

Same motion, same second, same vote to approve and place on the Consent Calender. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4 •0•0•1 • Not present: Legis O'Leary)** note/note.

2165, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act American Key, Inc. and Millenium Home and Land, LTD (COUNTY EXEC).

There was one reso that I saw •• if I may, just a question to the Division. I had conversation earlier. I understand that this is an as•of•right. However, I would ask you to take a look at the map on this resolution. It's buried between two sections of County Parkland and accessed by a paper road. I apologize for delaying the progress. Are you able to see the tax map section? I'm just curious as to whether we've attempted to engage in any dialogue since this lot is bordered on both sides by West Hills Park and apparently is accessed through only a paper street.

MS. ZIELENSKI:

I can't answer that. I don't know whether we've made any specific or representations to the people who are making the redemption. That wouldn't normally occur.

VICE•CHAIRMAN KENNEDY:

Ordinarily, I know that we go through these redemptions and particularly the as•of•right as almost a ministerial or mechanical process. However, I would offer to you that, at least in my opinion, this lot is somewhat unique in the fact that it is bordered on both sides by West Hills County Park and appears to be accessible only by Robin Lane, which I have marked here as a paper street.

MS. ZIELENSKI:

Yes, that's correct, though, on the tax map that I have, it doesn't show what's to the west of that.

VICE•CHAIRMAN KENNEDY:

So the question of access may or may not be something that is addressable, the lot may be accessible. Although I would question seriously whether or not there is access to a privately held parcel through County Parkland.

MS. ZIELENSKI:

Well ••

VICE•CHAIRMAN KENNEDY:

Since there's a few questions with this, ordinarily I know these things go through straightforward, I'm going to ask if through the Chair, we can table this and just if you can take a look at this one in particular. Okay. I'm going to make a motion to table, seconded by Legislator Montano. All those in favor? Opposed? IR 2165 •• I'm sorry •• yes, 65 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**.

All right. Back on track.

IR 2166, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Constance Klein and Patricia Gorlin (COUNTY EXEC).

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Motion to approve by Legislator Losquadro, seconded by myself and to place on the Consent Calender. All those in favor? Opposed? 2166 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

IR 2167, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Steven T. Scotto (COUNTY EXEC).

Same motion, same second to approve and place on the Consent Calender. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

IR 2168, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act John W. Huebner and Barbara D. Huebner, his wife (COUNTY EXEC).

Same motion, same second to approve and place on the Consent Calender. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).**

IR 2169, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Island Fish Net and Supply Co., Inc. (COUNTY EXEC).

Same motion, same second to approve and placed on the Consent Calender. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4 •0•0•1 • Not present: Legis O'Leary).**

2170, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Gloria Irizarry and Robert Otero (COUNTY EXEC)

MS. ZIELENSKI:

Yes. This is direct sale to an adjacent owner. The property was appraised for \$6500, and we had a winning bid of 10,000.

LEG. MONTANO:

The size of the parcel?

MS. ZIELENSKI:

Pardon me?

LEG. MONTANO:

The size of the parcel?

VICE•CHAIRMAN KENNEDY:

Okay. Do I have a motion?

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Motion to approve, seconded by myself. All those in favor? Opposed? IR 2170 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**. I'm sorry.

MS. ZIELENSKI:

The answer to the Legislator's question is it's 50 by 120.

VICE•CHAIRMAN KENNEDY:

Again, I guess, this is a question. We've made the motion to approve, but there is a question that continues to come up. Is this conveyance something where it's conveyed outright or is it with restrictions?

MS. ZIELENSKI:

Most of our adjoining owners are conveyed outright unless there's some extenuating circumstances.

LEG. MONTANO:

No. Just out of curiosity, may I? This is 50 by 120?

MS. ZIELENSKI:

That's correct.

LEG. MONTANO:

Which, to me, is a buildable plot.

MS. ZIELENSKI:

Brookhaven doesn't seem to feel that way.

LEG. MONTANO:

Oh, it's because it's zoned •• what's the zoning in that area?

MS. ZIELENSKI:

Well, I don't have all that backup data, but the assumption would be that the zoning would preclude the 50 foot lot.

LEG. LOSQUADRO:

If I may, through the Chair.

VICE•CHAIRMAN KENNEDY:

Yes, Legislator Losquadro.

LEG. MONTANO:

But it's only going for 6500?

LEG. LOSQUADRO:

That's what I was just going to point out. Obviously, it was appraised for \$6500, so I would assume that there were restrictions on the zoning or on the buildability of the land.

LEG. MONTANO:

That's my point. There's a difference between a restriction, let's say, for environmental reasons and a restriction just on the zoning.

VICE•CHAIRMAN KENNEDY:

This resolution is approved. However, as I've said, this is a question that continues to come up as we go through these ministerial things. I guess I would ask the department, again, is there any kind of a restriction or a reverter in the quit claim that the County goes ahead and executes to the successful bidder?

MS. ZIELENSKI:

Excuse me. This property is a landlocked parcel.

LEG. MONTANO:

So it's not buildable.

MS. ZIELENSKI:

It's landlocked and it's been purchased by an adjoining owner.

MS. KNAPP:

And it also •• I'm reading from the resolution itself, it does say in the resolved clause that the deed shall contain the following language: The premises shall not be independently improved by the erection of any structure, and can be merged with grantees adjoining parcel if applicable as to form one single lot. There can be no further subdivision of the merged parcel unless it is ••

LEG. LOSQUADRO:

Good. Let's move on.

MS. KNAPP:

It does have some ••

LEG. MONTANO:

That's not the kind of restriction I'm referring to.

MS. ZIELENSKI:

I misunderstood the question regarding the restrictions that have ••

LEG. MONTANO:

Yeah, that's not the kind of restriction I was referring to.

MS. ZIELENSKI:

•• that have to do with resale. But that's the standard language ••

LEG. MONTANO:

I understand that.

MS. ZIELENSKI:

•• on the direct sale.

LEG. MONTANO:

This parcel was landlocked is what you said?

MS. ZIELENSKI:

It appears to be, yes.

LEG. MONTANO:

Okay.

VICE•CHAIRMAN KENNEDY:

Thank you. Thank you, Ms. Zielenski. So IR 2171 (sic) is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

LEG. LOSQUADRO:

No, seventy•one.

MS. ZIELENSKI:

Seventy•one.

VICE•CHAIRMAN KENNEDY:

Oh, I passed over seventy•one?

MS. SULLIVAN:

Yes.

VICE•CHAIRMAN KENNEDY:

I'm sorry. I apologize. Let's move back.

2171, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Carol E. Farrell (COUNTY EXEC).

MS. ZIELENSKI:

This is a direct sale appraised for \$8500 with a winning bid of \$8500, one bidder.

VICE•CHAIRMAN KENNEDY:

Thank you. Right on the head. Do I have a motion?

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Seconded by myself. All those in favor? Opposed? IR 2171 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

IR 2172, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Eric Howard and Janene Brisciano (COUNTY EXEC).

MS. ZIELENSKI:

Direct sale, sixty•two fifty was the appraisal and was the winning bid, single bidder.

VICE•CHAIRMAN KENNEDY:

Okay. Do I have a motion?

LEG. LOSQUADRO:

Same motion.

LEG. MONTANO:

I have a question.

VICE•CHAIRMAN KENNEDY:

I'm sorry, Legislator Montano.

LEG. MONTANO:

This plot is another one, 51 by 160 •• 124. My plot is 50 by 164. This is a buildable plot. Just explain, so I understand exactly what's going on. I'm not going to hold it up, but I'm just curious as to why so low a bid on a property that at least on the surface could be buildable.

LEG. LOSQUADRO:

The surface there is.

LEG. MONTANO:

Excuse me? Maybe we ought to deal with that issue too.

MS. ZIELENSKI:

Again, I think, this is a 50 foot lot in the Town of Brookhaven that was judged not to be buildable singly.

LEG. MONTANO:

But strictly •• and I'm not going to, you know, make this difficult, but strictly on the zoning aspect of it or on other issues? Because if it's zoning, it's one thing. If it's other issues, it's, you know, something that we can discuss. But I'm just curious as to whether or not zoning is what prevents the building of a house on a 50 by 161 square foot •• sixty•one feet property.

MS. ZIELENSKI:

That's correct. And again, the language •• as you see, the language of the resolution allows for it to be only merged with the grantees adjoining parcel to form one single lot.

LEG. MONTANO:

Right. But that's what we send it to the •• that's what we sell it for the 6200.

MS. ZIELENSKI:

Yes.

LEG. MONTANO:

That's not what it says now. What prevents the building of the part of a house on a parcel that size at the moment is strictly the zoning, am I accurate in that?

MS. ZIELENSKI:

I would say, yes, that's accurate.

LEG. MONTANO:

What area is this?

MS. KNAPP:

Mastic Beach.

LEG. MONTANO:

Doesn't seem like a high-zoned area.

LEG. MYSTAL:

Where is it?

LEG. MONTANO:

Mastic Beach.

LEG. LOSQUADRO:

Mr. Chair. The Town of Brookhaven enacted a small lot ordinance, which prevents •• I know this is applicable up in the Sound Beach and Rocky Point areas of my district, and it has significantly reduced the amount of building on small lots. In fact, in essence •• I see a lot of nodding in the audience •• it's basically a moratorium on small lot building. These 40 and 50 foot lots really are not no longer buildable in the Town of Brookhaven.

LEG. MYSTAL:

Mr. Chair.

VICE-CHAIRMAN KENNEDY:

Legislator Mystal.

LEG. MYSTAL:

Legislator Losquadro, I understand what you're saying. Is it a moratorium which can be lifted?

MS. ZIELENSKI:

No.

LEG. LOSQUADRO:

No.

MS. ZIELENSKI:

No.

LEG. LOSQUADRO:

I said in essence it's a moratorium, but this is a small lot ordinance that ••

LEG. MONTANO:

That could be lifted.

LEG. LOSQUADRO:

You know, I didn't make the town code, I'm just relaying it because I live in the Town of Brookhaven. But this is •• as I said, this is something that I have seen affecting the zoning up in parts of my district, where some of these small lots remain, and they are currently not buildable because of this ordinance that's in place.

MS. ZIELENSKI:

If this were an individually developable parcel, we wouldn't have put it in the direct sale small lot program, but rather put it on regular auction to be sold.

LEG. MONTANO:

No, I understand that. But maybe I'm just not making it clear. I'm just trying •• when you decide to put it on there, if something is available simply for zoning purposes, in other words, if it were buildable for any other reason but the zoning, it's still going to go into the direct sale, am I correct? Am I explaining that right, Pat?

MS. ZIELENSKI:

If it were buildable, it would not be a direct sale, because it would be worth more than \$20,000.

LEG. MONTANO:

But then we're defining buildable as being in compliance with the building code in the area.

MS. ZIELENSKI:

Well, really that could be done for a variety of reasons. And without having the full appraisal available, I can't tell you right off the top of my head whether this is wetland affected or whether it's zoning or both.

LEG. MONTANO:

All right.

VICE•CHAIRMAN KENNEDY:

There is language in the resolution, as a matter of fact, when you look at the resolved, it does talk about restriction from being able to erect an independent structure.

MS. ZIELENSKI:

Yes.

VICE•CHAIRMAN KENNEDY:

And that it is available for merge purposes only.

LEG. MONTANO:

That's after we sell it. That the restriction that goes with the property when we sell it, that's not a restriction that's on the property at the moment; is that correct?

VICE•CHAIRMAN KENNEDY:

But the language does say that it runs with the land.

LEG. MONTANO:

It will run with the land prospective, it doesn't •• it's not a covenant on the land at the moment, am I correct on that?

MS. ZIELENSKI:

The covenant is not on the land, however, what we attempt to do by adding that covenant is to prevent ••

LEG. MONTANO:

Someone from making money on it in the future.

MS. ZIELENSKI:

•• the application and the process becoming a nuisance to the town zoning boards where people will repeatedly try to get variances on undersized lots

or lots that have some environmental imperfection that would ••

LEG. MONTANO:

Pat.

MS. ZIELENSKI:

This precludes it. It cuts it off.

LEG. MONTANO:

My only point is, and I won't belabor it, is that, you know, we complain about the housing shortage and we're •• I'm looking at a parcel of land that essentially is a little bit smaller than the parcel that I live on. So you keep saying undersized, it doesn't appear to be that much undersized in my mind. And I'm looking at the price of 6200, when I read in the newspaper that the average parcel that's buildable and theoretically, you know, this is buildable, goes for 50, 60 \$100,000. So that's my only question. I'm not questioning, you know, the motivation. And I understand that when we convey it, there will be a covenant that the person who's acquiring it, the adjacent property owner, you know, is not going to build on that and sell it. But I'm wondering how much land are we attaching to the adjacent, you know, property owner who's picking this up for \$6200? That's my •• I guess it's a point for the •• you know, prospectively so we can deal with some of the, you know, broader issues. That's all. I just have some questions in my mind about this.

VICE•CHAIRMAN KENNEDY:

Anyone else want to add to the discourse?

LEG. MONTANO:

Yeah. We've got another one. The next one is 50 by 150.

LEG. LOSQUADRO:

Through the Chair. We can debate this all we want, but the fact of the matter is the home rule powers for the zoning lie with the town. This is •• your town may allow that. In these areas, and I have full faith in the department of Real Estate, sitting as a member of the Environmental Trust

Review Board, in their ability to conduct these appraisals, and if they're saying that's what these appraisals are and if the town where the property is located will not allow them to be built upon, then we have no power to control that.

LEG. MONTANO:

But, you know, Legislator, that's in existence today. There's nothing that says that it's not going to be or can't be reversed in the future, because if the town imposed a zoning code and if they have the jurisdiction, they can amend that later if they chose to. So it's not that we have to do this. I'm not saying that we shouldn't do it, but those are the issues to be discussed. And I also have faith in the Real Estate Department. It's not that. The appraisal, I think, is based on its current usage under the zoning ••

MS. ZIELENSKI:

Highest and best use.

LEG. MONTANO:

Highest and best use? I understand that. We're not going to get into that now. You want to move it?

VICE•CHAIRMAN KENNEDY:

Yeah, I think we do need to move it. I appreciate, I guess, the sentiments that your raising. As a matter of fact, they do resonate. You know, it's ironic that we talk constantly about the need for affordable housing, but, yes, in fact, it does seem that we are conveying out buildables at nominal fees, even if we are sterilizing them. But I guess that goes to an underlying policy question that we need to resolve on another day. That being said, I'll restate, we have IR 2172, do I have a motion?

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Second by myself. All those in favor? Opposed? IR 2172 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2173, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Raymond DeLuca and Joanne DeLuce, his wife (COUNTY EXEC).

Do I have a motion?

LEG. LOSQUADRO:

Well, do you want ••

VICE•CHAIRMAN KENNEDY:

I'm sorry, yes.

MS. ZIELENSKI:

I'm sorry. Yes. It's the same, direct sale. It a \$6900 appraisal, \$6900 bid.

VICE•CHAIRMAN KENNEDY:

Asked and offered the same. Okay. Same motion, same second. IR 2173 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 •**
Not present: Legis O'Leary).

2174, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, John Russo and Maryann Russo, his wife (COUNTY EXEC).

MS. ZIELENSKI:

Yes. Direct sale, \$8500 appraisal, \$8500 bid, single bid.

LEG. MONTANO:

Again, if I may? This is a parcel that's 50 by 150 for \$8200?

MS. ZIELENSKI:

It's 50 by 150, yes.

VICE•CHAIRMAN KENNEDY:

Okay. Do I have a motion?

LEG. LOSQUADRO:

Same motion.

VICE•CHAIRMAN KENNEDY:

Same motion, same second. IR 2174 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).**

2175, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Kerry E. McKenna and Mischelle McKenna, his wife (COUNTY EXEC).

MS. ZIELENSKI:

This is a \$2000, a \$2002 dollar bill, single bid.

VICE•CHAIRMAN KENNEDY:

2002, a whopping two over, hey, we're in the green. Do I have a motion?

LEG. LOSQUADRO:

Same motion to place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Same motion, same second. IR 2175 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).**

2176, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Vincent Sinacore and Josephine Sinacroe, his wife (COUNTY EXEC).

MS. ZIELENSKI:

Sixty•five hundred dollar appraisal, \$50,000 bid.

LEG. LOSQUADRO:

Whoa.

VICE•CHAIRMAN KENNEDY:

Good money.

LEG. MONTANO:

How much was that, Pat?

MS. ZIELENSKI:

Fifteen thousand.

LEG. MONTANO:

Fifteen thousand.

LEG. MONTANO:

Fifty by 125.

MS. ZIELENSKI:

Yeah.

VICE•CHAIRMAN KENNEDY:

Do I have a motion?

LEG. LOSQUADRO:

Same motion.

VICE•CHAIRMAN KENNEDY:

All right. Same motion, same second. IR 2176 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2177, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Castle Quality Homes, Inc. (COUNTY EXEC).

MS. ZIELENSKI:

This was a \$3600 appraisal, \$3600 single bid.

VICE•CHAIRMAN KENNEDY:

Thirty•six hundred appraised and 3600 offered?

MS. ZIELENSKI:

Yes.

VICE•CHAIRMAN KENNEDY:

Same motion, same second. IR 2177 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

IR 2178, sale of County owned real estate pursuant to Local Law 13 •1976, Sean Peiffer and Elaine Peiffer, his wife (COUNTY EXEC).

MS. ZIELENSKI:

Eight thousand dollar appraisal, \$9000 bid.

VICE•CHAIRMAN KENNEDY:

There we go. Same motion, same second. IR 2178 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2179, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lizette Marino (COUNTY EXEC).

MS. ZIELENSKI:

2179 through 2183 are all as•of•right redemptions.

VICE•CHAIRMAN KENNEDY:

Okay. Very good.

LEG. LOSQUADRO:

Motion to approve and placed on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Seconded by myself. IR 2179•05 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**

2180, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Pearl Properties, LTD (COUNTY EXEC).

Same motion, same second. IR 2180 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**

LEG. MYSTAL:

Mr. Chair.

VICE•CHAIRMAN KENNEDY:

Yes.

LEG. MYSTAL:

We have a lot of County employees who are sitting here waiting for one thing, which is a lease, and we have a lot of those •• I guess, 2263.

VICE•CHAIRMAN KENNEDY:

All right. Let me just mark where we're at.

LEG. MYSTAL:

We're way back here, and I'm saying we can send them back to work if we approve this resolution now.

VICE•CHAIRMAN KENNEDY:

All right. We're at IR 2180. Let's make a motion then, if somebody will, to go ahead and take ••

LEG. MYSTAL:

I'll make the motion.

VICE•CHAIRMAN KENNEDY:

Okay. Motion by Legislator Mystal to go ahead and take IR 21 ••

LEG. LOSQUADRO:

2263.

VICE•CHAIRMAN KENNEDY:

2263 out of order. Do I have a second on that?

LEG. LOSQUADRO:

I'll second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Losquadro. All those in favor? Opposed?

2263, authorizing a lease of County property to continue providing transitional housing for the homeless (COUNTY EXEC).

Okay. We now have IR 2263 before us.

LEG. MYSTAL:

Motion to approve.

LEG. MONTANO:

Second.

VICE•CHAIRMAN KENNEDY:

Motion to approve by Legislator Mystal, seconded by Legislator Montano. Do we have any question or comment on the motion? All those in favor? Opposed? IR 2263 is **approved (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

LEG. MYSTAL:

Goodbye, y'all.

VICE•CHAIRMAN KENNEDY:

Do we need the Commissioner for anything else? Okay. All right moving back to the agenda.

2181, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susan L. Flood (COUNTY EXEC).

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Seconded by myself. All those in favor? Opposed? IR 2181 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2183, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Yoo•Hoo Investments, Inc. (COUNTY EXEC).

LEG. LOSQUADRO:

Same motion.

VICE•CHAIRMAN KENNEDY:

Same motion, same second. All those in favor? Opposed? IR 2183 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2184, authorizing the sale of County owned real estate pursuant to Local Law 13•1976, Miguel Valentin and Elizabeth Valentin, his wife (COUNTY EXEC).

LEG. MONTANO:

Motion.

VICE•CHAIRMAN KENNEDY:

Motion to approve by Legislator Montano.

LEG. LOSQUADRO:

Hold on? What is this?

MS. ZIELENSKI:

This is a direct sale that has an \$18,500 appraised value and a \$19,000 bid by a single bid.

VICE•CHAIRMAN KENNEDY:

Good. Okay.

LEG. LOSQUADRO:

We have a motion by Rick.

LEG. MONTANO:

Yep.

VICE•CHAIRMAN KENNEDY:

Legislator Montano.

LEG. LOSQUADRO:

And place on the Consent Calender.

LEG. MONTANO:

Yep.

VICE•CHAIRMAN KENNEDY:

And to place on the Consent Calender. Seconded by myself. All in favor?
Opposed?

LEG. MONTANO:

Of course, it's in my town.

VICE•CHAIRMAN KENNEDY:

IR 2184 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4
•0•0•1 • Not present: Legis O'Leary).**

**2185, authorizing the sale, pursuant to Local Law 16•1976, of real
property acquired under Section 46 of the Suffolk County Tax Act
Tuvia Feldman (COUNTY EXEC).**

MS. ZIELENSKI:

This one and the next three are as•of•right redemptions.

VICE•CHAIRMAN KENNEDY:

Okay. I'll make a motion to approve and place on the Consent Calender,
can I have a second on the motion?

LEG. MONTANO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Montano. All those in favor? Opposed? IR 2185 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2186, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Manuel Pagan, Jr. And Rebeca DeJesus, as joint tenants (COUNTY EXEC).

Same motion, same second. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2187, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Tuvia Feldman (COUNTY EXEC).

Same motion, same second. All in favor? Opposed? IR 2187 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2188, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Adude Construction Corp. (COUNTY EXEC).

Same motion, same second. All in favor? Opposed? IR 2188 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2191, Adopting Local Law, a Local Law to streamline County Government by repealing certain boards and commissions (CARACAPPA).

LEG. MONTANO:

Motion to table.

MS. BURKHARDT:

I have some answers.

LEG. LOSQUADRO:

Yeah, explanation, please.

LEG. MONTANO:

Let's get the explanation before we table it.

MS. KNAPP:

This is a local law that we do every few years. The Presiding Officer's Staff goes through all the boards and commissions and sees, you know, which ones have either not met or the purpose of the particular board or commission is no longer necessary, and then at that •• in that point in time, we repeal them. I mean, there was one, Off•shore Gambling, let's see, Records Management Advisory Committee, Small Business Advisory Committee, let's see, Commercial Industrial Paintings Board, Video Terminal Display Review Board, Computer Bug Task Force for the Year 2000. Do you want to add more? I would call it a house cleaning resolution.

VICE•CHAIRMAN KENNEDY:

Okay. Thank you. Thank the Counsel for that explanation. Do we have any other comment? Okay. I got a motion to approve by Legislator Mystal, do I have a second? I'll second it. All those in favor? Opposed? IR 2191 is **approved (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

2192, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Huntington pursuant to Section 40•D of the Suffolk County Tax Act (COUNTY EXEC).

MS. ZIELENSKI:

This has been part of a recharge basin since 1970. The tax deed was taken in error.

VICE•CHAIRMAN KENNEDY:

I'm sorry. It's a sump?

MS. ZIELENSKI:

Yeah, it's a sump. It's part of a sump. And the tax •• the tax levy and the tax deed were in error.

VICE•CHAIRMAN KENNEDY:

But is it going to continue to be a sump?

MS. ZIELENSKI:

Yes.

VICE•CHAIRMAN KENNEDY:

It will remain as a sump?

MS. ZIELENSKI:

Yes.

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Motion to approve by Legislator Losquadro, seconded by myself. All those in favor? Opposed? IR 2192 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2196, authorizing certain technical corrections to Resolution No. 764 •2005 (COUNTY EXEC).

MR. ZWIRN:

Mr. Chair, can we ask •• the County Exec's Office asked this to be tabled? It's a technical corrections. I think they're going to make additional corrections in this bill if they can just get it tabled.

LEG. LOSQUADRO:

Motion to table.

VICE•CHAIRMAN KENNEDY:

Motion to table by Legislator Mystal, seconded by Legislator Montano. All in favor? Opposed? IR 2196 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**

2210, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton pursuant to Section 40•D of the Suffolk County Tax Act (COUNTY EXEC).

What is this?

MS. ZIELENSKI:

This is a double assessment by the town assessor.

VICE•CHAIRMAN KENNEDY:

Okay. So, we are just abandoning the duplicative assessment?

MS. ZIELENSKI:

Yes, sir.

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

Seconded by myself. All those in favor? Opposed? IR 2210 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).**

2211, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton pursuant to Section 40•D of the Suffolk County Tax Act (COUNTY EXEC).

MS. ZIELENSKI:

This one and the next three are all double assessments by the town

assessor.

LEG. LOSQUADRO:

Same motion.

VICE•CHAIRMAN KENNEDY:

Same motion, same second, same vote. IR 2211 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2212, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southamptton pursuant to Section 40•D of the Suffolk County Tax Act (COUNTY EXEC).

Same motion, same second, same vote. 2212 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2213, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southamptton pursuant to Section 40•D of the Suffolk County Tax Act (COUNTY EXEC).

Same motion, same second, same vote. 2213 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2214, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven pursuant to Section 40•D of the Suffolk County Tax Act (COUNTY EXEC).

What do we have on this, same deal?

MS. ZIELENSKI:

Well, essentially it's the same, it's a double assessment. It's rather

convoluted, but we create •• it was created when the tax deed was taken. If this is approved, we will properly combine it with the house that it goes with and return it as a single number. The town assessor ••

VICE•CHAIRMAN KENNEDY:

So it will be restored to the original tax map number?

MS. ZIELENSKI:

Yes, to a single tax map number.

VICE•CHAIRMAN KENNEDY:

Okay. Motion to approve by Legislator Losquadro and place on the Consent Calender, second by myself. All those in favor? Opposed? IR 2214 is

APPROVED and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 •**

Not present: Legis O'Leary).

2215, authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Smithtown pursuant to Section 40•D of the Suffolk County Tax Act (COUNTY EXEC).

Same thing?

MS. ZIELENSKI:

This is an erroneous assessment. This was assessed to an unknown owner, which is why we took it as a tax deed, but it actually belongs to the Town of Smithtown. They condemned the property in 1964.

VICE•CHAIRMAN KENNEDY:

This is vacant land on River Road, I believe, right?

MS. ZIELENSKI:

I couldn't tell you.

VICE•CHAIRMAN KENNEDY:

I'll make a motion to approve and place on the Consent Calender.

LEG. LOSQUADRO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Losquadro. All in favor? Opposed? IR 2215 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

2254, authorizing certain technical corrections (COUNTY EXEC).

LEG. MONTANO:

What is this?

MR. ZWIRN:

It was a typo.

VICE•CHAIRMAN KENNEDY:

Some typos are meaningful, others are not meaningful. Counsel, what's this typo?

MS. KNAPP:

The 2006 Operating Budget included •• yes, it was included as a grade 31 and it should have been a grade 33.

VICE•CHAIRMAN KENNEDY:

Okay. That's a typo. I'll make a motion to approve, do I have a second?

LEG. LOSQUADRO:

That's an expensive typo.

VICE•CHAIRMAN KENNEDY:

All right. We have a motion to approve, do we have a second.

LEG. MONTANO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Montano. All those in favor? Opposed? IR 2254 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**.

IR 2263. We did that. Okay.

2273, authorizing the sale of County owned real property pursuant to Section 72•H of the General Municipal law to the Town of Brookhaven (COUNTY EXEC).

MS. ZIELENSKI:

This is a request for this parcel by the Town of Brookhaven.

VICE•CHAIRMAN KENNEDY:

Do we have a question as to size of this lot?

LEG. MONTANO:

Just out of curiosity •• oh, drainage purposes.

VICE•CHAIRMAN KENNEDY:

This is drainage purposes.

LEG. MONTANO:

I'll withdraw that.

LEG. LOSQUADRO:

Motion.

VICE•CHAIRMAN KENNEDY:

Motion by Legislator Losquadro. Second? Seconded by Legislator Mystal.

LEG. LOSQUADRO:

Place on the Consent Calender.

VICE•CHAIRMAN KENNEDY:

All those in favor? Opposed? IR 2273 is **APPROVED** and placed on the

CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).

Moving right along **IR 2276, authorizing certain technical corrections to adopted Resolution No. 686•2005 (COUNTY EXEC).**

Counsel?

MS. KNAPP:

It's changing a Capital Project number.

LEG. LOSQUADRO:

Motion to approve and place on the Consent Calender.

LEG. MONTANO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Montano. All those in favor? Opposed? IR 2276 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary).**

IR 2281, adopting Local Law, a Charter Law authorizing the Department of Public Works to perform eminent domain function (COUNTY EXEC).

MS. SULLIVAN:

Mr. Chairman, 2281 through 84 all need to be tabled because they have a public hearing on 12/6.

VICE•CHAIRMAN KENNEDY:

Okay. We'll make a motion to table •• I'll make a motion to table.

LEG. MONTANO:

Second.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Montano. All those in favor? Opposed? IR 2281•05

is tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary).

IR 2283, adopting Local Law, a Local law to establish the Special Traffic Options Program for Driving While Intoxicated as a division of the Probation Department (COUNTY EXEC).

LEG. LOSQUADRO:

Motion to table.

VICE•CHAIRMAN KENNEDY:

Same motion to table, same second. Opposed? In favor? IR 2283 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

IR 2284, adopting Local Law, a Charter Law creating a County Department of Information Technology (COUNTY EXEC).

Same motion to table, same second. In favor? Opposed? IR 2284 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

IR 2295, authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law (COUNTY EXEC).

Is this also subject to a public hearing, or what is this?

MS. KNAPP:

Basically, there's a provision •• it's a provision of New York State Law that allows you to get properties off the tax rolls by declaring them for public use. And these seem to be all underwater lands located in Brookhaven, East Hampton, Huntington, Shelter Island, Southampton, Southold. And I understand the Commissioner may add to that or correct me.

DIRECTOR ISLES:

That's exactly right. It's something the County has done in the past. In fact, the Legislature has authorized, for example, the development of a program to consider the leasing of underwater lands in the Peconic Bay System, of which many of these properties are located within, there are

outside of that. So this is based on prior policy that underwater lands should not be sold, that they can be made available either for conservation purposes or possibly for shellfishing under a lease program to be developed. So we would ask for your support of this resolution.

LEG. LOSQUADRO:

Motion.

VICE•CHAIRMAN KENNEDY:

Motion by Legislator Losquadro to approve. Motion to approve by Legislator Losquadro, second? Seconded by myself. All those in favor? Opposed? IR 2295 is **approved (VOTE:4•0•0•1 • Not present: Legis. O'Leary)**.

IR 2305, sale of County owned real estate pursuant to Section 72•H of the General Municipal Law (to the US Fish and Wildlife Service, an agency of the US Department of the Interior) (O'LEARY).

LEG. MONTANO:

Explanation.

VICE•CHAIRMAN KENNEDY:

Yeah, can we have an explanation on this, please.

MR. ZWIRN:

Mr. Chair, the County Exec's Office •• after you get an explanation, we'd ask for this to be tabled for one cycle.

LEG. LOSQUADRO:

Why?

MR. ZWIRN:

Because there are some legal issues that have to be resolved, not opposed to it, but we just have to get some things resolved, I think, before we move forward.

VICE•CHAIRMAN KENNEDY:

Let's get an explanation.

LEG. LOSQUADRO:

Just an explanation on what it is, because I think it would be obviously a very good thing with our •• the fact that we are already stretched thin to maintain the parklands we have to have a federal agency be willing to offer some stewardship assistance to us, but, Counsel?

MS. KNAPP:

The US Fish and Wildlife Service did write and asked that this property be given to the federal government. It's 86 and a half acres. It's formally the Robinson Duck Farm, and I understand that it's surrounded on three sides by the Wertheim National Wildlife Refuge. And they would incorporate this into the wildlife refuge.

LEG. LOSQUADRO:

So what are the •• I'll if I could.

MS. KNAPP:

We would be giving it to them for \$10.

DIRECTOR ISLES:

You know, from the County Planning Department's perspective certainly in concept we don't oppose this resolution. We applaud the initiative by the Legislator. I will take issue with the statement in the resolution that the County Department of Planning has approved the transfer, I'm not aware that we've done that. But in concept, we understand it and agree to the sense of it. But some of the issues that we wanted to look at, as Mr. Zwirn has indicated, some legal issues we're looked into. This was approved back in 1998 for a transfer. There was actual a purchase agreement. It never obviously happened. At that time, the County was going to sell it for the fair market value. We bought this in 1991 for a little over one and a half million dollars. We were then going to sell it for approximately the same amount, I think \$1.7 million in 1998.

As I understand it, I wasn't with the County at that point, that one of the problems was that it became subject to approval from the New York State Legislature to allow this transfer and alienation of parkland. That's one of

the things we want to look at a little more closely. There may have been issues with •• this was purchased with funds used from the Open Space Bond Act. Are those bonds in effect? Are they defeased? Can we now transfer it for ten dollars without getting that value back? I don't know, it's something we wanted to look at. So those are things that we're not prepared to •• at least for me to advise the administration on that, and we just felt we had •• we wanted to have the opt to look into those matters further, not objecting to the concept, but making sure it's done properly.

LEG. LOSQUADRO:

Question.

LEG. MONTANO:

Question.

VICE•CHAIRMAN KENNEDY:

Legislator Losquadro.

LEG. LOSQUADRO:

Being that we have two cycles •• I just don't want this to be something that languishes. Are these questions that can and will be answered by the next cycle? Because as I said, I mean, routinely properties are transferred, usually it's for the symbolic dollar, in this case, it's symbolic ten dollars, maybe that's reflective of inflation. But as I said, I think transferring this •• and one of the things we talk about in the Environment Committee quite often is the benefit of having it within public hands and the benefit is in the fact that it will be regulated and maintained. So just transferring it to another level of government, I think that is certainly maintained. But can and will those questions be answered by the next cycle?

DIRECTOR ISLES:

I don't know for certain, but, if I could, and certainly, I will work certainly with the administration and the County Attorney's Office to the extent that we can. But you're touching also on a policy question, which is if it's going to another public agency, why should we charge for it? That's a key policy question that you as the policy makers need to decide. Let me point out that we have matters before us right now in the EPA Committee where we're

proposing to buy land from the Village of Lindenhurst, which is on for today, from the Village of Greenport, Clarks Beach, from the Nassau County, from the Nassau County, the Nassau County 4•H Camp. So if we're going to be saying, you know what, if we buy the land, we're going to give it to the other municipalities, because they're going to manage it, that's certainly a perfectly fine public policy choice, but here again, I think we need to think about that.

I don't think we've ever done it before in terms of saying, we'll buy, the County taxpayers of Suffolk County will take that cost, but we'll give to a village, we'll give it to the federal government, whatever. Maybe there's an advantage, but I think it's a careful step we have to take, that's all.

VICE•CHAIRMAN KENNEDY:

Legislator Montano is next, but I'm going ask you, Legislator Montano, if you'll just indulge and let Counsel add to the discourse.

LEG. MONTANO:

Sure. Absolutely.

MS. KNAPP:

The issue of whether or not there was any outstanding indebtedness is a legal issue, and I did make that inquiry of Budget Review, and I was told by Budget Review that that was not an impediment.

VICE•CHAIRMAN KENNEDY:

Legislator Montano.

LEG. MONTANO:

Tom, I just want to be clear. You're saying that we purchased that property back in '92 for a million•two?

DIRECTOR ISLES:

Ninety•one for 1.5 million.

LEG. MONTANO:

In '91.

DIRECTOR ISLES:

Yes.

LEG. MONTANO:

Have we been in, you know, through the County Exec's Office or the County Attorney's Office, in negotiations with this entity to sell the land? I thought you said that we had a deal and it fell through.

DIRECTOR ISLES:

In 1998 the Legislature authorized a sale of this property to the federal government. That sale was at a price of, I believe, \$1.7 million that the federal government was going to pay the County for the land.

LEG. MONTANO:

So why are they only getting it for ten now, is what I'm asking?

DIRECTOR ISLES:

I don't know.

LEG. MONTANO:

Where did the million•two, million•one ninety, whatever, go to? Where did that concept go, did it just disappear?

DIRECTOR ISLES:

I don't know. I can't speak for the sponsor of the resolution. We think that's a policy decision, an important policy decision of at one point in 1998 there was a fair market transaction to the federal government. Here again, it makes sense because of the Wertheim Wildlife Refuge is there.

LEG. LOSQUADRO:

Hold on. If I may? If I may interject?

VICE•CHAIRMAN KENNEDY:

Go ahead.

LEG. LOSQUADRO:

When we paid \$1.5 for it, did we not purchase it from a private party?

DIRECTOR ISLES:

Yes, we did.

LEG. LOSQUADRO:

So it was not to the federal government.

LEG. MONTANO:

We purchased it •• from what I'm understanding, we purchased it from a private party, and we're going to sell it to the federal government so we wouldn't take a loss economically.

DIRECTOR ISLES:

Yes.

LEG. MONTANO:

And now, you know, what I'm asking is where did the concept of selling it go to, because now we're giving it away?

DIRECTOR ISLES:

That I think is a perfectly good question that has to be answered, should we give it away or should we seek fair market value.

LEG. MONTANO:

Motion to table.

VICE•CHAIRMAN KENNEDY:

We have a motion to table. I have Legislator Mystal who would like to go ahead and speak on it, I also would like to go ahead and make some query as well. Legislator Mystal.

LEG. MYSTAL:

Yes. The one thing that you said that intrigues me is that you said at one point we were trying to sell it to a developer also, right?

DIRECTOR ISLES:

I'm sorry, no, sir that was not the case.

LEG. MYSTAL:

No? Did we ever consider building on that piece of land?

DIRECTOR ISLES:

We did not.

LEG. LOSQUADRO:

It's pristine environmental land.

LEG. MYSTAL:

Oh, that's pristine for you, but for me, I want to build on everything. You know that. If it has grass on it, build it.

LEG. MONTANO:

We're giving a lot of land away today, I'm telling you.

LEG. MYSTAL:

That's right.

LEG. MONTANO:

What's the appraised value of this?

LEG. MYSTAL:

The land right now, the only thing we can do with it is to preserve it, right?

DIRECTOR ISLES:

Correct.

LEG. MYSTAL:

It's already preserved, we already bought it.

DIRECTOR ISLES:

Yes, sir.

LEG. MYSTAL:

Now why can't the federal government pay us, let's say, \$3 million for it?

DIRECTOR ISLES:

I don't know. I can't answer that.

LEG. MYSTAL:

I mean, if we bought it for 1.5 in 1991, you said?

DIRECTOR ISLES:

Yes.

LEG. MYSTAL:

This is 2005, that's a lot of money now. One of the reasons I think we should •• Legislator Losquadro wants to give to the federal government is the prospect that they will maintain it.

DIRECTOR ISLES:

Which is a good point.

LEG. MYSTAL:

Which is a good point, which the only reason I would see for us to give it to them. But otherwise if they really want it, why don't we sell it to them and make some money? They won't buy it, right?

VICE•CHAIRMAN KENNEDY:

Legislator Montano •• I'm sorry, Legislator Losquadro, then Legislator Montano. I'll yield to those two, but I do want to add to it as well. Legislator Losquadro.

LEG. LOSQUADRO:

Question to Real Estate and to Planning, as you said, we do have some other parcels that some other municipalities want us to buy from them. So far, we have shown a reluctance to do so. In this case, we paid them \$1.5 million for it. It's fourteen years later, bonds are paid off as we heard. What incentive would there be for the federal government to pay us money for land that is already preserved in perpetuity, can never be built on? The only

benefit to us is that we will no longer have to maintain it, and that it will be added to a federal wildlife refuge, which I think is a very good thing.

I respectfully disagree with Legislator Mystal, I don't see any way that we're going to get any money for this parcel from the federal government. Why would they pay us money for this parcel?

MR. ZWIRN:

You would have made that same argument back in 1998. You would have said the same thing, they're willing to give us more money than we paid for it. We're asking for it to be tabled so we can look into some of these things.

VICE•CHAIRMAN KENNEDY:

Legislator Montano is next. My questions, though, do go to specifically some of the alienation, and I understand the legal issues, but we do have Ms. Bizzarro in the office. And I'm wondering if she can speak in general just to the specifics as to whether we as an entity would have to identify an additional eighty•five acres of County•held land in general holdings that we would now designate equivalent to this under the State Constitution. But, Legislator Montano.

LEG. MONTANO:

I just want to get clear on the facts. We got it in '91, is there any •• if we don't sell it •• I mean, obviously we've had it for so many years, I don't know that we need to sell it today for ten dollars. But, what are the alternatives that we have to either selling this or transferring this to the federal government, if any?

DIRECTOR ISLES:

Well, another alternative is a management agreement whereby we would enter into an agreement with the federal government, they would manage it as part of their wildlife refuge, the County would own it. We do that all the time, so that's one alternative.

LEG. MONTANO:

Would we make more money that way?

DIRECTOR ISLES:

We wouldn't make any money, it would just be that we would retain ownership.

LEG. MONTANO:

We would still own it for some future use.

LEG. LOSQUADRO:

There's no future use.

DIRECTOR ISLES:

I'm just saying that that's something that could be done easily if there's an interest in having the federal government take over the management of the property, in answer to your question.

LEG. MONTANO:

If there's no future use, as Legislator Losquadro says, then what's the objection to doing it now?

DIRECTOR ISLES:

I'm not saying that we're objecting to it, I'm saying we have concerns we'd like to find out more about.

LEG. MONTANO:

Okay. Thank you.

VICE•CHAIRMAN KENNEDY:

Okay. My turn. I raised the issue as far as the alienation goes. The other thing that I'd like to ask is I'm told that this land not only being surrounded and sensitive as far as possible wetland, it also has Pine Barrens connotation to it. Is it in the Pine Barrens Corridor?

DIRECTOR ISLES:

No. It's in the Carmans River Corridor.

VICE•CHAIRMAN KENNEDY:

It's in the Carmans River Corridor.

DIRECTOR ISLES:

It's certainly an important parcel from a land protection standpoint. I do have a right up on it here. You know, 15% woodland•shrub land, 60% all filed, 25% disturbed area, which is the former duck farm operation. It is surrounded by the 25 acre National Wildlife Refuge, so it's environmentally very significant.

VICE•CHAIRMAN KENNEDY:

So clearly, there's nothing that we would ever conceive of doing with this other than having it exist in a protected fashion.

DIRECTOR ISLES:

Yes.

VICE•CHAIRMAN KENNEDY:

Be it in our hands or be it in another entity's hands, whether or not there's exchange and consideration?

DIRECTOR ISLES:

In my opinion, yes.

VICE•CHAIRMAN KENNEDY:

We also hear consistently about the difficulty that our County Parks Department has, and Parks Police in particular, with being able to go ahead and patrol and adequately monitor the vast amount of parks holdings that we have at this point; is that correct?

LEG. MYSTAL:

Yep, that's correct.

DIRECTOR ISLES:

It's probably correct. I'm not going to speak for the Parks Department. Here again, that's the policy question. Will it be the policy of Suffolk County to transfer our parkland to the state, to the County, to the towns, to the federal government? Are we going to then be an intermediate agency to move this stuff out? That's your choice, not mine.

VICE•CHAIRMAN KENNEDY:

As a matter of fact, I guess, I'm glad you did bring it to that point, because ultimately, we do make policy, I'd like to believe that.

DIRECTOR ISLES:

Of course you do.

VICE•CHAIRMAN KENNEDY:

Whether it happens or not is another question, but Ben will speak to that.

LEG. LOSQUADRO:

One cycle.

LEG. MONTANO:

Table it, period. I'm not going to table it with a restriction that we table it for one cycle. We table it to the next cycle.

VICE•CHAIRMAN KENNEDY:

Well, we table it or we table it subject to call. I mean, obviously it's going to come up again in the next go around. But I think the expectation we have, I have and I believe Legislator Losquadro has is that there are cogent issues that you raise, however, in two weeks from now, we don't want to have this same philosophical discussion. At least let's have answers as to the alienation issue, whether or not it is or is not a legitimate issue, some of ••

LEG. LOSQUADRO:

Financing issues have already been raised.

VICE•CHAIRMAN KENNEDY:

•• some of the stewardship concepts, and from a policy perspective, whether or not we look at partnering with another level of government to go ahead and adequately monitor and preserve vast holdings that we have out there.

MR. ZWIRN:

But I don't think we have •• at least the committee hasn't heard, and I don't

think the County Exec's Office heard, the commitment on the part of the federal government to be able to do the same thing. I think we should have that kind of commitment to know what they plan to do to maintain the property as well.

LEG. MONTANO:

The point is we now have a motion to table. It will be taken up at the next cycle. It will either be approved or tabled again at the next cycle.

VICE•CHAIRMAN KENNEDY:

Motion to table by Legislator Montano, second?

LEG. MYSTAL:

I'll second it.

VICE•CHAIRMAN KENNEDY:

Seconded by Legislator Mystal. All those in favor? Opposed? IR 2305 is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

IR 2306, authorizing the reconveyance of County owned real estate pursuant to Section 215, New York State County Law to Tracey Philby (NOWICK).

Counsel.

MS. KNAPP:

The 215 allows somebody who has lost their property to taxes in the time a Local Law 16 has expired so long as there is a documented medical reason, and in this case, there is a documented •• the doctor has given her letters saying that she has a 15 year old child who has Cerebral Palsy and other very, very serious medical conditions. She's the sole care taker of this child, not able to leave the house basically at all.

LEG. MONTANO:

Motion to approve.

VICE•CHAIRMAN KENNEDY:

Meets the requirements of a hardship, medical hardship.

LEG. MONTANO:

Motion to approve.

VICE•CHAIRMAN KENNEDY:

Motion to approve by Legislator Montano, seconded by Legislator by Legislator Mystal. All those in favor? Opposed? IR 2306 is ••

LEG. MYSTAL:

Consent Calender.

VICE•CHAIRMAN KENNEDY:

Can that go on Consent or no?

LEG. MONTANO:

Yeah.

MS. KNAPP:

Yeah.

VICE•CHAIRMAN KENNEDY:

Okay. Let's expand that motion to go ahead and approve and place on the Consent Calender. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis O'Leary)**. All right moving right along.

Sense resolution

S•78, memorializing Resolution requesting the New York State Legislature to enact legislation protecting real estate commissions (COOPER).

LEG. LOSQUADRO:

On the motion.

LEG. MONTANO:

Which motion.

LEG. LOSQUADRO:

I'll make a motion to approve.

LEG. MONTANO:

Which one, the sense?

VICE•CHAIRMAN KENNEDY:

I'm having so much fun, let me read it first.

LEG. MYSTAL:

Cooper's nuisance bill.

LEG. LOSQUADRO:

No. Motion to approve. Do I have a second for purposes of discussion.

LEG. MYSTAL:

I'll second it.

LEG. LOSQUADRO:

Second.

LEG. MONTANO:

Explanation.

LEG. LOSQUADRO:

Okay. Explanation. This is actually substantively similar to a bill that this Legislature already approved as a Sense Resolution that was sponsored by Legislator Carpenter, cosponsored by myself, requesting that these •• the rights about protected during proceedings •• real estate proceedings. There are now bills in the Assembly and the Senate that actually do the same, maybe somebody actually listened to one of our Sense Resolutions.

LEG. MONTANO:

They're not even in session, they're not listening at all.

LEG. LOSQUADRO:

This now supports those two bills, which have actually been filed. I was not aware of this until I saw this on the agenda, but I figured I would just offer an explanation.

LEG. MYSTAL:

Motion to approve.

VICE•CHAIRMAN KENNEDY:

On the motion. I thank you, Legislator Losquadro, I appreciate the explanation. I would have difficulty voting for this, though, specifically because the governmental entity, a party charged with taking in the disputed amounts is the County Clerk's Office, and having had some occasion to go ahead and be involved with the governmental entity taking •• taking deposit of disputed down payments in real estate transactions, while it can be done, it is clearly a complex task, and certainly something that I think we would at least want to hear some input from the affected governmental entity.

LEG. LOSQUADRO:

Mr. Chairman, seeing as the State Legislature is not in session, I will change my motion to a motion to table.

LEG. MONTANO:

Second.

VICE•CHAIRMAN KENNEDY:

Thank you. Motion to table by Legislator Losquadro, seconded by Legislator Montano. All those in favor? Opposed? Sense is **tabled (VOTE:4•0•0•1 • Not present: Legis. O'Leary).**

Is there any other business, anybody to come before the committee, anybody wishing to speak? Hearing none, we stand adjourned.

(* THE MEETING WAS ADJOURNED AT 11:32 A.M.*)

_ _ DENOTES BEING SPELLED PHONETICALLY